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Reference ST104PEP	Application No./Patent No. 04757129.4 - 2310 / 1651122 PCT/US2004023193
Applicant/Proprietor Synthes GmbH	

### Communication

The European Patent Office herewith transmits as an enclosure the supplementary European search report under Article 153(7) EPC for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

- ☒ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

### Refund of the search fee

If applicable under Article 9 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





European Patent  
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# SUPPLEMENTARY EUROPEAN SEARCH REPORT

Application Number  
EP 04 75 7129

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
X	EP 0 705 572 A (SYNTHES AG [CH]) 10 April 1996 (1996-04-10) * figures 1,3,8,9 * * column 1, lines 5-9 * * column 3, lines 4-40 * * claims 8,9 *	1,2,5	INV. A61B17/80
Y	-----	3,4	
X	WO 01/19267 A (SYNTHES AG [CH]; SYNTHES USA [US]; WEAVER PAUL C [US]; MAST JEFF W [US]) 22 March 2001 (2001-03-22) * page 7, paragraph 2 * * page 10, paragraph 2 * * page 11, paragraph 3 * * figures 3,7,11-18,26 *	1,2	
X	DE 198 58 889 A1 (WOLTER DIETMAR [DE]) 21 June 2000 (2000-06-21) * figures 2a,2c,2f,2h,3,4 * * column 6, line 52 - column 7, line 32 * * claims 3,21 *	1	
Y	US 5 681 311 A (FOLEY KEVIN T [US] ET AL) 28 October 1997 (1997-10-28) * figures 2,6 * * column 3, line 66 - column 4, line 15 * * figures 15,16 * * column 4, lines 48-61 *	3,4	TECHNICAL FIELDS SEARCHED (IPC) A61B
The supplementary search report has been based on the last set of claims valid and available at the start of the search.			
Place of search Munich		Date of completion of the search 8 July 2008	Examiner Louka, Maria
CATEGORY OF CITED DOCUMENTS X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background P : non-written disclosure P : intermediate document		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons * : member of the same patent family, corresponding document	



#### CLAIMS INCURRING FEES

The present European patent application comprised at the time of filing claims for which payment was due.

- ☐ Only part of the claims have been paid within the prescribed time limit. The present European search report has been drawn up for those claims for which no payment was due and for those claims for which claims fees have been paid, namely claim(s):
- ☐ No claims fees have been paid within the prescribed time limit. The present European search report has been drawn up for those claims for which no payment was due.

#### LACK OF UNITY OF INVENTION

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

see sheet B

- ☐ All further search fees have been paid within the fixed time limit. The present European search report has been drawn up for all claims.
- ☐ As all searchable claims could be searched without effort justifying an additional fee, the Search Division did not invite payment of any additional fee.
- ☐ Only part of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the inventions in respect of which search fees have been paid, namely claims:
- ☐ None of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims, namely claims:
- ☒ The present supplementary European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims (Rule 164 (1) EPC).



The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

1. claims: 1-5

Bone plate assembly for spinal surgery

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2. claims: 6-20

Surgical drill guide assembly

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The application lacks unity within the meaning of Article 82 EPC, for the following reasons:

The bone plate assembly of claim 1 has nothing in common with the drill guide assembly of claim 6.

There are no common or corresponding technical features between the two inventions, i.e. the plate assembly and the drill guide assembly and hence there is no unity.

Hence, the following two inventions are not so linked as to form a single general inventive concept:

- 1: Claims 1-5: bone plate assembly
- 2: Claims 6-20: drill guide assembly

In accordance with Rule 164(1) EPC the supplementary search report has been drawn up on those parts of the application which relate to the invention first mentioned in the claims.

**ANNEX TO THE EUROPEAN SEARCH REPORT  
ON EUROPEAN PATENT APPLICATION NO.**

EP 04 75 7129

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on  
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

08-07-2008

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0705572	A	10-04-1996	CA 2146679 A1 DE 69525124 D1 DE 69525124 T2 ES 2170778 T3 JP 8206143 A US 5601553 A	04-04-1996 14-03-2002 22-08-2002 16-08-2002 13-08-1996 11-02-1997
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WO 0119267	A	22-03-2001	AT 257674 T AU 754857 B2 AU 6680300 A CA 2408327 A1 CN 1373646 A DE 60007758 D1 DE 60007758 T2 DK 1211992 T3 EP 1211992 A1 ES 2211583 T3 JP 2003509107 T PT 1211992 T TW 477687 B ZA 200200992 A	15-01-2004 28-11-2002 17-04-2001 22-03-2001 09-10-2002 19-02-2004 23-09-2004 10-05-2004 12-06-2002 16-07-2004 11-03-2003 30-06-2004 01-03-2002 18-12-2002
-----				
DE 19858889	A1	21-06-2000	AT 221341 T AU 1776500 A BR 9916376 A CA 2353586 A1 CN 1331572 A CZ 20012258 A3 WO 0036984 A1 EP 1143867 A1 ES 2179690 T3 HU 0104836 A2 JP 2002532185 T MX PA01006250 A PL 348297 A1 RU 2234878 C2 US 6322562 B1 ZA 200104381 A	15-08-2002 12-07-2000 11-09-2001 29-06-2000 16-01-2002 16-01-2002 29-06-2000 17-10-2001 16-01-2003 29-04-2002 02-10-2002 17-04-2002 20-05-2002 27-08-2004 27-11-2001 28-08-2002
-----				
US 5681311	A	28-10-1997	AU 710957 B2 AU 3986195 A CA 2199866 A1 JP 11504227 T WO 9608206 A1	30-09-1999 29-03-1996 21-03-1996 20-04-1999 21-03-1996
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